

CITY COUNCIL MINUTES
NORMAN UTILITIES AUTHORITY MINUTES
NORMAN MUNICIPAL AUTHORITY MINUTES
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES

October 13, 2009

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 13th day of October, 2009, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
ABSENT:	Councilmember Dillingham

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 23 excluding Item 7 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 23 excluding Item 7, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Item 4 through Item 23 excluding Item 7 were placed on the consent docket by unanimous vote.

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Item 4, being:

CITY COUNCIL STUDY SESSION MINUTES OF SEPTEMBER 15, 2009
CITY COUNCIL CONFERENCE MINUTES OF SEPTEMBER 22, 2009
CITY COUNCIL MINUTES OF SEPTEMBER 22, 2009
NORMAN UTILITIES AUTHORITY MINUTES OF SEPTEMBER 22, 2009
NORMAN MUNICIPAL AUTHORITY MINUTES OF SEPTEMBER 22, 2009
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF SEPTEMBER 22, 2009
CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT MINUTES OF SEPTEMBER 25, 2009

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Councilmember Butler;

- Items submitted for the record
1. City Council Study Session minutes of September 15, 2009
 2. City Council Conference minutes of September 22, 2009
 3. City Council minutes of September 22, 2009
 4. Norman Utilities Authority minutes of September 22, 2009
 5. Norman Municipal Authority minutes of September 22, 2009
 6. Norman Tax Increment Finance Authority minutes of September 22, 2009
 7. City Council Planning and Community Development minutes of September 25, 2009

Item 4, continued:

and the question being upon approving the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 5, being:

CONSIDERATION OF THE FOLLOWING ORDINANCES UPON FIRST READING BY TITLE:

ORDINANCE NO. O-0910-2: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE THE NORTHEAST 27 ACRES OF THE NORTHEAST QUARTER OF SECTION ELEVEN, TOWNSHIP NINE NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, AND THE SOUTH THREE ACRES OF THE SOUTHEAST QUARTER OF SECTION TWO, TOWNSHIP NINE NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A HIGH IMPACT INSTITUTIONAL USE (COUNTY JAIL), AND REMOVE THE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTH OF FRANKLIN ROAD BETWEEN U.S. HIGHWAY 77 (FLOOD AVENUE) AND 24TH AVENUE N.W.)

ORDINANCE NO. O-0910-5: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING THE RIGHT-OF-WAY OF FRANKLIN ROAD BETWEEN U.S. HIGHWAY 77 (FLOOD AVENUE) AND 24TH AVENUE N.W., CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ORDINANCE NO. O-0910-6: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION NO. 15-203 OF CHAPTER 15 OF THE CODE OF THE CITY OF NORMAN TO INCREASE THE PENALTY FOR VIOLATION OF SECTION 15-302, DRINKING INTOXICATING BEVERAGES IN A PUBLIC PLACE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that the ordinances be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated September 21, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division
2. Ordinance No. O-0910-2 with Exhibit A, Site Development Plan
3. Location map
4. Staff Report dated August 13, 2009, recommending approval
5. Memorandum dated October 5, 2009, from R. Blaine Nice, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to Steve Lewis, City Manager
6. Site Development Plan
7. Ordinance No. O-0910-5
8. Location map
9. Staff Report dated August 13, 2009, recommending approval
10. Protest area map containing no protests within notice area and two protests from outside notice area
11. Letter of protest dated August 5, 2009, from Edward J. Davis to Norman Planning Commission
12. Letter of protest dated August 10, 2009, from Virgil L. Holden, Attorney at Law, to City Clerk and Norman Planning Commission
13. Pertinent excerpts from Planning Commission minutes of August 13, 2009
14. Memorandum dated September 18, 2009, from Ronda Guerrero, Municipal Court Clerk, to the Honorable Mayor and Councilmembers
15. Ordinance No. O-0910-6
16. Legislatively notated copy of Ordinance No. O-0910-6

Item 5, continued:

and the question being upon the Introduction and adoption of the ordinances upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the ordinances were Introduced, read, and adopted upon First Reading by title.

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Item 6, being:

SUBMISSION OF A REPORT ENTITLED "PIONEER LIBRARY SYSTEM FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR'S REPORT, JUNE 30, 2009," AS PREPARED BY EIDE BAILLY, L.L.P.

Councilmember Kovach moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Butler;

- Items submitted for the record
- 1. Letter dated October 1, 2009, from Anne Masters, Director, Pioneer Library System, to Brenda Hall, City Clerk
 - 2. Pioneer Library System Financial Statements as of June 30, 2009, prepared by Eide Bailly, L.L.P.

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

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Item 7, being:

SUBMISSION OF THE 2009 ANNUAL REPORT FROM THE NORMAN CONVENTION AND VISITORS BUREAU, INC.

Item 7 was withdrawn at the request of the Norman Convention and Visitors Bureau.

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Item 8, being:

CONSIDERATION AND AWARDING OF BID NO. 0910-13 FOR TIRE RETREADING SERVICES FOR THE FLEET MANAGEMENT DIVISION.

Councilmember Kovach moved that all bids meeting specifications in all sections be accepted and the bid be awarded to Southern Tire Mart as the overall lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Butler;

- Items submitted for the record
- 1. Memorandum dated September 23, 2009, from Mike White, Fleet Management Superintendent, to Honorable Mayor and City Council
 - 2. Bid tabulation for tire retread contract

Item 8, continued:

and the question being upon accepting all bids meeting specifications in all sections and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and all bids meeting specifications in all sections accepted; and the bid was awarded to Southern Tire Mart as the overall lowest and best bidder meeting specifications.

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Item 9, being:

CONSIDERATION AND AWARDING OF BID NO. 0910-14 FOR THE PURCHASE OF FILTER MEDIA AS PART OF THE WATER TREATMENT PLANT REHABILITATION AND EXPANSION PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that all bids meeting specifications be accepted and the bid in the amount of \$129,700.90 be awarded to Red Flint Sand and Gravel, L.L.C., as the best bidder meeting specifications, which motion was duly seconded by Trustee Butler;

- Items submitted for the record
- 1. Memorandum dated September 23, 2009, from Chris Mattingly, Utilities Superintendent, to Norman Utilities Authority
 - 2. Letter dated September 21, 2009, from Thomas O. Crowley, P.E., Project Manager, Carollo Engineers, to Chris Mattingly, P.E., Utilities Superintendent, Norman Utilities Authority, Norman Water Treatment
 - 3. Bid tabulation dated September 21, 2009, for Water Plant filter media

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$129,700.90 was awarded to Red Flint Sand and Gravel, L.L.C., as the best bidder meeting specifications.

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Item 10, being:

CONSIDERATION AND AWARDING OF BID NO. 0910-20 FOR THE PURCHASE OF THE FOLLOWING PAVEMENT MARKINGS FOR THE TRAFFIC CONTROL DIVISION:

- 1. HOT APPLIED THERMOPLASTIC PAVEMENT MARKINGS
- 2. RAISED PAVEMENT MARKERS – CLASS C

Councilmember Kovach moved that all bids meeting specifications on Sections I and II be accepted and the bid be awarded to Action Safety Supply Company as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Butler;

- Items submitted for the record
- 1. Memorandum dated October 2, 2009, from Gary Jennings, Traffic Control Supervisor, to Honorable Mayor and Councilmembers
 - 2. Bid tabulation for Section 1, hot applied thermoplastic pavement markings, and Section 2, raised pavement markers, Class C

Item 10, continued:

and the question being upon accepting all bids as meeting specifications on Section I and II and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and all bids meeting specifications on Sections I and II accepted; and the bid was awarded to Action Safety Supply Company as the lowest and best bidder meeting specifications.

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Item 11, being:

CONSIDERATION AND AWARDING OF BID NO. 0910-21 FOR THE PURCHASE OF ONE-THOUSAND FIVE HUNDRED (1,500) 95-GALLON POLYCARTS FOR THE SANITATION DIVISION.

Acting as the Norman Municipal Authority, Trustee Kovach moved that all bids meeting specifications be accepted and the bid in the amount of \$41.75 each for a total amount of \$62,625 be awarded to Rehrig Pacific Company as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Butler;

- Items submitted for the record
- 1. Memorandum dated September 21, 2009, from Scottie Williams, Utilities Superintendent, to Norman Municipal Authority
 - 2. Bid tabulation dated September 17, 2009, for 95-gallon polycarts

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$41.75 each for a total amount of \$62,625 was awarded to Rehrig Pacific Company as the lowest and best bidder meeting specifications.

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Item 12, being:

CONSIDERATION AND AWARDING OF BID NO. 0910-22 FOR THE PURCHASE OF THE FOLLOWING FRONT-LOAD COMMERCIAL REFUSE CONTAINERS FOR THE SANITATION DIVISION:

- 1. THREE CUBIC YARD FRONT LOAD REFUSE CONTAINERS
- 2. SIX CUBIC YARD FRONT LOAD REFUSE CONTAINERS
- 3. EIGHT CUBIC YARD FRONT LOAD REFUSE CONTAINERS

Acting as the Norman Municipal Authority, Trustee Kovach moved that all bids meeting specifications in all sections be accepted and the bid in the total amount of \$76,385 be awarded to Roll-Offs USA as the over all best bidder meeting specifications, which motion was duly seconded by Trustee Butler;

- Items submitted for the record
- 1. Memorandum dated September 21, 2009, from Scottie Williams, Utilities Superintendent, to Norman Municipal Authority
 - 2. Bid tabulation dated September 17, 2009, for front load refuse containers

Item 12, continued:

and the question being upon accepting all bids meeting specifications in all sections and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and all bids meeting specifications in all sections accepted; and the bid in the total amount of \$76,385 was awarded to Roll-Offs USA as the overall best bidder meeting specifications.

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Item 13, being:

CONSIDERATION AND AWARDING OF BID NO. 0910-23 FOR THE PURCHASE OF THREE (3) TWENTY CUBIC YARD OPEN TOP ROLL-OFF CONTAINERS FOR THE SANITATION DIVISION.

Acting as the Norman Municipal Authority, Trustee Kovach moved that all bids meeting specifications be accepted and the bid in the amount of \$2,846 each for a total amount of \$8,538 be awarded to Roll-Offs USA as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Butler;

- Items submitted for the record
1. Memorandum dated September 21, 2009, from Scottie Williams, Utilities Superintendent, to Norman Municipal Authority
 2. Bid tabulation dated September 17, 2009, for 20 cubic yard open top roll-off containers

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$2,846 each for a total amount of \$8,538 was awarded to Roll-Offs USA as the lowest and best bidder meeting specifications.

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Item 14, being:

CONSIDERATION OF THE ACCEPTANCE OF A DONATION OF A SPECTRUM SCOREBOARD VALUED AT \$6,158 FROM ORTHODONTICS EXCLUSIVELY FOR THE WHITTIER RECREATION CENTER GYMNASIUM.

Councilmember Kovach moved that a donation of a Spectrum Scoreboard valued at \$6,158 from Orthodontics Exclusively for the Whittier Recreation Center Gymnasium be accepted, which motion was duly seconded by Councilmember Butler;

- Items submitted for the record
1. Memorandum dated September 18, 2009, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers

Item 14, continued:

and the question being upon accepting a donation of a Spectrum Scoreboard valued at \$6,158 from Orthodontics Exclusively for the Whittier Recreation Center Gymnasium, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and a donation of a Spectrum Scoreboard valued at \$6,158 from Orthodontics Exclusively for the Whittier Recreation Center Gymnasium was accepted.

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Item 15, being:

CONSIDERATION OF THE ACCEPTANCE OF A DONATION OF 3.02 ACRES OF VOLUNTARY PARK LAND VALUED AT \$30,200 FROM THE ALOIS JOSEPH LOEFFELHOLZ, SENIOR, TRUSTS AND JOSEPHINE ANNA MILLER LOCATED ON THE EAST SIDE OF 1800 BROONE DRIVE SOUTH OF PELHAM CIRCLE ADJACENT TO NORTHEAST LIONS PARK.

Councilmember Kovach moved a donation of 3.02 acres of voluntary park land valued at \$30,200 from the Alois Joseph Loeffelholz, Senior, Trusts and Josephine Anna Miller located on the east side of 1800 Broone Drive south of Pelham Circle adjacent to Northeast Lions Park be accepted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Memorandum dated September 22, 2009, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers
- 2. Location map
- 3. Appraisal dated September 9, 2009, from Jim R. Artman, Certified General Appraiser No. 10289CGA, Artman Appraisal Company, to Mr. Alois J. Loeffelholz, Jr.
- 4. Warranty Deed from the Alois Joseph Loeffelholz, Sr., Trust dated December 16, 1971, Vicki Jansing, Successor Trustee; the Alois Joseph Loeffelholz, Jr., Trust, Alois J. Loeffelholz, Jr., Trustee; the Alois Joseph Loeffelholz, Jr., Testamentary Trust, Josephine Anna Miller, Trustee, and Josephine Anna Miller to the City of Norman with attachments, legal description and location map

and the question being upon accepting a donation of 3.02 acres of voluntary park land valued at \$30,200 from the Alois Joseph Loeffelholz, Senior, Trusts and Josephine Anna Miller located on the east side of 1800 Broone Drive south of Pelham Circle adjacent to Northeast Lions Park, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and a donation of 3.02 acres of voluntary park land valued at \$30,200 from the Alois Joseph Loeffelholz, Senior, Trusts and Josephine Anna Miller located on the east side of 1800 Broone Drive south of Pelham Circle adjacent to Northeast Lions Park was accepted.

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Item 16, being:

CONSIDERATION OF APPROVAL OF THE FOLLOWING CERTIFICATE OF PLAT CORRECTION:

<u>NUMBER</u>	<u>SUBDIVISION</u>
CPC-0910-1	CARRINGTON PLACE ADDITION, SECTION 7

Councilmember Kovach moved that Certificate of Plat Correction No. CPC-0910-1 in connection with Carrington Place Addition, Section 7, be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated September 21, 2009, from Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
2. Location map
3. Letter of request dated September 22, 2009, from Christopher D. Anderson, P.E., SMC Consulting Engineers, P.C., to Mr. Ken Danner, Development Coordinator
4. Certificate of Plat Correction No. CPC-0910-1

and the question being upon approving Certificate of Plat Correction No. CPC-0910-1 in connection with Carrington Place Addition, Section 7, and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Certificate of Plat Correction No. CPC-0910-1 in connection with Carrington Place Addition, Section 7, approved; and the filing thereof with the Cleveland County Clerk was directed.

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Item 17, being:

CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-0910-2 FOR RICKARD ACRES.

Councilmember Kovach moved that Norman Rural Certificate of Survey No. COS-0910-2 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated September 21, 2009, from Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
2. Location map
3. Norman Rural Certificate of Survey No. COS-0910-2
4. Letter of request dated August 8, 2009, from Gerald Rickard to City of Norman
5. Staff Report dated September 10, 2009, recommending approval
6. Pertinent excerpts from Planning Commission minutes of September 10, 2009

and the question being upon approving Norman Rural Certificate of Survey No. COS-0910-2 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Norman Rural Certificate of Survey No. COS-0910-2 approved; and the filing thereof with the Cleveland County Clerk was directed.

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Item 18, being:

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$80,500 FROM THE OKLAHOMA HIGHWAY SAFETY OFFICE TO BE USED BY THE POLICE DEPARTMENT FOR ALCOHOL AND TRAFFIC ENFORCEMENT AND ADVANCED COLLISION INVESTIGATION TRAINING, APPROVAL OF CONTRACT NO. K-0910-79, AND BUDGET APPROPRIATION.

Councilmember Kovach moved that a grant from the Oklahoma Highway Safety Office in the amount of \$80,500 to be used by the Police Department to provide alcohol and traffic enforcement and advanced collision investigation training be accepted; Contract No. K-0910-79 be approved; execution of the contract and the Mayor to sign all documents related thereto be authorized; Other Revenue/Traffic & Alcohol Enforcement (022-0000-331.13-40) be increased by \$80,500 upon receipt of the funds; and \$80,500 be appropriated to Other Salary/Overtime - Regular (022-6019-421.21-10), which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated September 30, 2009, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council
2. Letter of acceptance dated September 15, 2009, from Scott E. Watkins, Director, Oklahoma Highway Safety Office, to Captain Kevin Foster, Norman Police Department
3. Contract No. K-0910-79

Participants in discussion

1. Mr. Phil Cotten, Police Chief

and the question being upon accepting a grant from the Oklahoma Highway Safety Office in the amount of \$80,500 to be used by the Police Department to provide alcohol and traffic enforcement and advanced collision investigation training and upon the subsequent approval, authorizations, increase, and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES	None

The Mayor declared the motion carried and a grant from the Oklahoma Highway Safety Office in the amount of \$80,500 to be used by the Police Department to provide alcohol and traffic enforcement and advanced collision investigation training accepted; Contract No. K-0910-79 was approved; execution of the contract and the Mayor to sign all documents related thereto was authorized; Other Revenue/Traffic & Alcohol Enforcement (022-0000-331.13-40) will be increased by \$80,500 upon receipt of the funds; and \$80,500 was appropriated to Other Salary/Overtime - Regular (022-6019-421.21-10).

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Item 19, being:

CONSIDERATION OF ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$103,920 THROUGH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR A JOB ACCESS AND REVERSE COMMUNITY (JARC)/NEW FREEDOM PROGRAM GRANT TO PROVIDE HANDICAP ACCESSIBLE IMPROVEMENTS TO CLEVELAND AREA RAPID TRANSIT (CART) BUS STOP LOCATIONS, APPROVAL OF CONTRACT NO. K-0910-80, AND BUDGET APPROPRIATION.

Councilmember Kovach moved that a JARC/New Freedom Program Grant through ODOT in the amount of \$103,920 be accepted; Contract No. K-0910-80 be approved; the execution of the contract and the Mayor to sign all documents related thereto be authorized; payment in the amount of \$25,980 be directed to ODOT; \$103,920 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TC0017, FYE 2009 Sidewalk Accessibility, Construction (050-9316-431.61-01), \$15,385, and \$88,535 to Project No. TC0238, FYE 2010 Sidewalk Accessibility, Construction (050-9316-431.61-01); and upon reimbursement of funds from ODOT the Capital Fund Balance (050-0000-253.20-00) be increased by \$103,920, which motion was duly seconded by Councilmember Butler;

Item 19, continued:

Items submitted for the record

1. Memorandum dated September 21, 2009, from Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
2. Location map
3. Contract No. K-0910-80 with Appendix “A,” United States Department of Transportation (US DOT) Required Certificate of Eligibility; Appendix “B,” Property Management and Disposition; Appendix “C,” Buy America Certification; Appendix “D,” Certification Regarding Lobbying; and Appendix “E,” Certification Regarding Debarment and Suspension

and the question being upon accepting a JARC/New Freedom Program Grant through ODOT in the amount of \$103,920 and upon the subsequent approval, authorizations, directive, appropriation, and increase, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES	None

The Mayor declared the motion carried and a JARC/New Freedom Program Grant through ODOT in the amount of \$103,920 accepted; Contract No. K-0910-80 was approved; the execution of the contract and the Mayor to sign all documents related thereto was authorized; payment in the amount of \$25,980 was directed to ODOT; \$103,920 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TC0017, FYE 2009 Sidewalk Accessibility, Construction (050-9316-431.61-01), \$15,385, and \$88,535 to Project No. TC0238, FYE 2010 Sidewalk Accessibility, Construction (050-9316-431.61-01); and upon reimbursement of funds from ODOT the Capital Fund Balance (050-0000-253.20-00) will be increased by \$103,920.

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Item 20, being:

RESOLUTION NO. R-0910-17: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AN AGREED SETTLEMENT OF THE CLAIM FILED BY GARY D. LINDLEY UNDER THE PROVISIONS OF THE WORKERS’ COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF GARY D. LINDLEY V. THE CITY OF NORMAN, WORKERS’ COMPENSATION CASE NO. WCC-2007-13775 X; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS’ COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS’ COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Kovach moved that Resolution No. R-0910-17 be adopted and payment of claims which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated October 2, 2009, from R. Blaine Nice and Rebecca R. Frazier, Assistant City Attorneys, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Resolution No. R-0910-17
3. Requisition No. 0000162674 dated September 23, 2009, in the amount of \$24,420 to Gary Lindley and John Colbert
4. Purchase Requisition No. 0000162677 dated September 23, 2009, in the amount of \$488.40 to Workers’ Compensation Administration Fund
5. Purchase Requisition No. 0000162684 dated September 23, 2009, in the amount of \$183.50 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000162685 dated September 23, 2009, in the amount of \$75 to Workers’ Compensation Court
7. Purchase Requisition No. 0000162686 dated September 23, 2009, in the amount of \$119.30 to the Cleveland County Court Clerk

Item 20, continued:

and the question being upon adopting Resolution No. R-0910-17 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-17 adopted; and payment of claims which will constitute judgment against the City of Norman was directed.

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Item 21, being:

RESOLUTION NO. R-0910-57: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AN AGREED SETTLEMENT OF THE CLAIM BY GARY D. LINDLEY UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF GARY D. LINDLEY V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2007-11899 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Kovach moved that Resolution No. R-0910-57 be adopted and payment of claims which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Butler;

- Items submitted for the record
- 1. Resolution No. R-0910-57
 - 2. Requisition No. 0000162687 dated September 23, 2009, in the amount of \$22,024.30 to Gary Lindley and John Colbert

and the question being upon adopting Resolution No. R-0910-57 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-57 adopted; and payment of claims which will constitute judgment against the City of Norman was directed.

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Item 22, being:

RESOLUTION NO. R-0910-58: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AN AGREED SETTLEMENT OF THE CLAIM BY GARY D. LINDLEY UNDER THE PROVISIONS OF THE WORKERS’ COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF GARY D. LINDLEY V. THE CITY OF NORMAN, WORKERS’ COMPENSATION CASE NO. WCC-2007-11930 X; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS’ COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS’ COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Kovach moved that Resolution No. R-0910-58 be adopted and payment of claims which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Resolution No. R-0910-58
- 2. Requisition No. 0000162688 dated September 23, 2009, in the amount of \$22,376.70 to Gary Lindley and John Colbert
- 3. Purchase Requisition No. 0000162689 dated September 23, 2009, in the amount of \$228.89 to Workers’ Compensation Administration Fund
- 4. Purchase Requisition No. 0000162690 dated September 23, 2009, in the amount of \$85.83 to Special Occupational Health and Safety Fund
- 5. Purchase Requisition No. 0000162691 dated September 23, 2009, in the amount of \$75 to Workers’ Compensation Court
- 6. Purchase Requisition No. 0000162692 dated September 23, 2009, in the amount of \$119.30 to the Cleveland County Court Clerk

and the question being upon adopting Resolution No. R-0910-58 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-58 adopted; and payment of claims which will constitute judgment against the City of Norman was directed.

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Item 23, being:

RESOLUTION NO. R-0910-59: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REAPPROPRIATING \$9,725 FROM THE GENERAL FUND BALANCE TO BE USED FOR INSTALLATION OF HARDWARE TO COMPLETE THE PROCESS OF REBANDING FREQUENCIES AS OUTLINED IN CONTRACT NO. K-0809-45 WITH NEXTEL WEST CORPORATION.

Councilmember Kovach moved that Resolution No. R-0910-59 be adopted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Memorandum dated October 1, 2009, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council
- 2. Resolution No. R-0910-59

and the question being upon adopting Resolution No. R-0910-59, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-59 was adopted.

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Item 24, being:

PUBLIC HEARING REGARDING A GRANT IN THE AMOUNT OF \$43,684 FROM THE UNITED STATES DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE (DOJ/BJA) THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM TO BE USED BY THE POLICE DEPARTMENT FOR TO PURCHASE ELECTRONIC MUSCULAR DISRUPTION DEVICES; ADDITIONAL ACCESS LICENSES FOR THE GLOBAL RECORDS MANAGEMENT SYSTEM; AND A RIFLE.

Councilmember Kovach moved that a public hearing be conducted, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Memorandum dated September 15, 2009, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council
- 2. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Grant Award No. 2009-DJ-BX-1396 dated September 10, 2009

Participants in discussion

- 1. Mr. Phil Cotten, Police Chief

and the question being upon conducting a public hearing, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and a public hearing was conducted.

Thereupon, the following persons addressed City Council:

Participants in discussion

- 1. Mr. Phil Cotten, Police Chief

Thereupon, Councilmember Kovach moved that the public hearing be closed, which motion was duly seconded by Councilmember Atkins; and the question being upon closing the public hearing, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the public hearing was closed.

Thereupon, Councilmember Griffith moved that a grant in the amount of \$43,684 from DOJ/BJA through the JAG Program to be used by the Police Department be accepted, Other Revenue/JAG Grant (022-0000-331.13-33) be increased by \$43,684; \$7,500 be appropriated into Project No. GP0011, JAG Grant 2009 DJ BX 1396, Telecommunication Equipment/Computer Software (022-6017-421.53-04), \$21,670 to Plant and Operating Equipment, Firearms (022-6017-421.51-16), and \$14,514 to Miscellaneous Services/Pass-Thru Funds – Miscellaneous (022-6017-421.47-54); and payment in an amount not-to-exceed \$14,514 be directed to the City of Moore upon receipt of an invoice, which motion was duly seconded by Councilmember Kovach; and the question being upon accepting a grant in the amount of \$42,684 from DOJ/BJA through the JAG Program to be used by the Police Department and upon the subsequent increase, appropriation, and directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and a grant in the amount of \$43,684 from DOJ/BJA through the JAG Program to be used by the Police Department accepted; Other Revenue/JAG Grant (022-0000-331.13-33) was increased by \$43,684; \$7,500 was appropriated into Project No. GP0011, JAG Grant 2009 DJ BX 1396, Telecommunication Equipment/Computer Software (022-6017-421.53-04), \$21,670 to Plant and Operating Equipment, Firearms (022-6017-421.51-16), and \$14,514 to Miscellaneous Services/Pass-Thru Funds – Miscellaneous (022-6017-421.47-54); and payment in an amount not-to-exceed \$14,514 will be directed to the City of Moore upon receipt of an invoice.

MISCELLANEOUS DISCUSSION

Fraternal Order of Police Lawsuit. Mr. John Terry, Sr., 950 75th Avenue S.E., said last week Judge Gary Snow of Seminole County dismissed a lawsuit filed by the City of Norman against a City of Norman Police Officer. He said the City has thirty days to comply with the arbitrator's decision or appeal to the Oklahoma State Court of Appeals. He previously urged Council to direct staff to dismiss this lawsuit and was disappointed to see how many tax dollars were spent on this matter. He requested Council review the briefs, the written decisions, and testimonies. He said the City has been asked to comply with the ruling set forth by federal binding arbitration and he urged Council to be good stewards of Norman's tax dollars.

Mr. Steve Lucas, Past President of the Fraternal Order of Police Lodge No. 122, said another appeal from a 2004 lawsuit had been turned down by the Public Employee Relations Board (PERB) and it was determined that the City of Norman had engaged in an unfair labor practice. He expressed frustration at taxpayers' dollars being used to fight lawsuits.

Mr. Jeff Bryant, City Attorney, said the ruling from Judge Snow had been reported to the City Attorney's Office. He said his office was waiting on the final Journal Entry to be prepared by the employee's attorney to be provided to the judge. He said outside counsel was evaluating the ruling and will provide a report that will be forwarded to the City Manager. He said this is an employment matter and under the City Charter is relegated to the City Manager for his decision. He said on the other matter, the Court of Appeals dealt with the FOP negotiation process in 2004 which was settled by arbitration in 2004. He said this is a side issue related to the negotiation process and PERB did determine the issue in favor of the union. It was appealed and the District Court Judge ruled in favor of the City. The FOP appealed that decision and now the Court of Appeals has now determined the issue in favor of FOP. He said there is one more avenue of appeal before the appeal process is completed and staff will determine if it is appropriate to move forward to the last step of appeal before the issue is finally determined.

Mayor Rosenthal said the City Attorney's Office will be bringing it back to Council, if necessary, to seek their input on further litigation.

Councilmember Kovach said most citizens are unaware of taxes from judgments against the City, which are paid from the Sinking Fund and reimbursed by Ad Valorem taxes. He said if judgments become too numerous, it can affect the tax rate. He said this is determined by a judge, not by a vote of the people or City Council; however, Council does have input on litigation as it goes forward. He said risks are sometimes taken to fight important issues and no one knows how a case will turn out. He said the City Manager, by City Charter, is the person who handles all personnel issues and there is a Charter prohibition against Council interfering with personnel issues but felt Council has oversight duties on policy and budget decisions. He felt the City has lost too much money on arbitration and appeals. He encouraged Council to consider certain steps to avoid these problems, such as retraining and reviewing carefully what is forwarded to appeal.

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Sale of Medical Office Building. Mr. Richard Stawicki, 2614 South Berry Road, said the Norman Regional Hospital Authority voted to sell a medical office building for \$10,015,000; however, a local group had offered \$10,500,000 for the building. He said a representative of the group had offered to write a contract and provide earnest money but was told it was not necessary. He said the offer was rejected at the meeting because a formal offer was not presented. He said he asked about this offer at the Board meeting and was told a "Letter of Intent" was all that had been submitted. He demanded Council investigate the Board for malfeasance, make findings public, and, if necessary, file criminal charges.

Mayor Rosenthal asked legal counsel to contact the hospital for information about the purchase and details, take it under advisement, and see if there are any grounds to proceed further.

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Office Space in University North Park (UNP). Mr. Jim Stanley, 3922 Pine Tree Circle, said on October 4, 2009, the Norman Transcript printed an article about available office space in the area of the new hospital on Tecumseh Road. He said the article also referenced twelve acres in UNP that would be developed as an Office Park where medical facilities could be located. He voiced concerns about locating medical facilities at UNP instead of the new hospital area as well as economic development incentives included in the Project Plan. He said the article stated once the Rock Creek Bridge over Interstate 35 was completed, Rock Creek Road will dead end in front of the office park in UNP. He was concerned this would not benefit anyone except those in the office park.

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Miscellaneous Discussion, continued:

New Bus Stop Locations. Mr. Roger Gallagher, 1522 East Boyd Street, said the new bus routes created by CART did not have the necessary improvements, i.e., bus stops, shelters/signs, and ADA requirements, which was causing a dangerous situation on 12th Avenue N.E. He asked if this was a liability to the City for the buses to stop at these new locations before improvements had been completed.

Mr. Shawn O'Leary, Director of Public Works, clarified that the bus system is operated by CART which is an agency managed by the University of Oklahoma although the City is a strong supporter of CART and public transportation. He said CART evaluated the bus stops and accessibility to the bus stops and found a number of deficiencies and the City has partnered with CART to address some of those issues. He said tonight a New Freedom Grant in the amount of \$103,920 was accepted by Council which provides sidewalks and ramps to twelve existing bus stop locations and the City is progressively working to make sure all new bus stops are properly constructed. He said improvements to the new bus stop location on 12th Avenue N.E. should be completed within two weeks.

Councilmember Atkins expressed appreciation of staff's response to concerns raised on the new routes and looked forward to the improvements.

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Law Enforcement Fundraising Efforts. Mr. Roger Gallagher, 1522 East Boyd Street, said he had been contacted by out of state companies soliciting funds for local law enforcement. He said these companies are hired by law enforcement agencies to raise funds, but keep a large percentage of the money. He felt it would be better if donations were given directly to local law enforcement agencies and asked staff to provide the necessary information so interested citizens will know the proper procedures.

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Shop Norman. Councilmember Quinn urged citizens to "Shop Norman."

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Quality of Channel 20. Ms. Brenda Hall, City Clerk, responded to inquiries from citizens regarding the quality of meetings and other content on Channel 20. She said an upgrade project is underway and new tabletop mikes had been installed in the Study Session room which were picking up better sound but final adjustments are ongoing. She said a new camera scope had been installed to adjust the color and should help with some of the distortion but will not totally fix the problem. The cameras are outdated, cost estimates are being obtained, and replacement of the cameras are being requested during next year's budget. She said a digital service has been installed and this should create a sharper image when the meeting is recorded and rebroadcast. She said none of the improvements will address the sound issue in the City Council Chambers. Estimates are being obtained to change out the audio controls to provide each microphone with its own mixer and a budget request would be submitted during a future year's budget process.

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Speed Humps. Mr. Shawn O'Leary, Director of Public Works, said the Traffic Calming Program which began in 2003 is one of the most popular City services and one of the most unpopular programs. He said a recent article in the Norman Transcript listed some of the speed humps as "faulty" or "illegal" and this was not really an accurate statement. He said 22 neighborhoods petitioned for traffic calming improvements in their neighborhoods; Council approved the requests and doubled the budget to complete the projects; and approximately 100 speed tables were installed. He said each of the speed tables met the City's detailed specifications; however, the tables are built with hot mix asphalt materials and for that reason cannot be perfect. He said there was a tolerance in the specifications that the contractor must meet before he was paid. In 2008, some of those speed tables were constructed on the high end of tolerances which resulted in a rougher ride. He said citizens reacted to the rougher ride but clarified the contractor did not violate the construction contract or specifications. He said the majority of the neighborhood groups polled after the speed tables were installed, insisted on "no change." He said after much discussion at several City Council Oversight Committee meetings, a number of changes were made to the Traffic Calming Program, one being the way the speed tables are measured. He said to date, 42 neighborhoods have participated in the Traffic Calming Program with over 1,500 people signing petitions requesting speed tables. He said presently there are 190 speed tables in Norman with ten neighborhoods planning to petition for speed tables in 2010.

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ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Cubberley; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 7:.30 p.m.

ATTEST:

City Clerk

Mayor